



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, JUNE 2, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and the Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 3

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT
Council Member Chang

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-12 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **AMEND AGREEMENT WITH THE STROMBOTNE LAW FIRM** 1
Recommended Action(s): **Authorize** the City Manager to Execute an Amendment to the Agreement with the Strombotne Law Firm.
2. **APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) TO CONDUCT A REGIONAL ANNUAL INTEGRATED PEST MANAGEMENT (IPM) PROGRAM** 17
Recommended Action(s): **Approve** MOU Joining the Counties of Alameda, San Francisco, and Santa Clara, Santa Clara Valley Water District, Fairfield Suisun Sewer District, Vallejo Sanitation and Flood District, and Orkin Pest Management Company to Conduct an Annual IPM Conference.
3. **FINAL MAP ACCEPTANCE FOR LANDS OF MARQUEZ (TRACT 9552)** 27
Recommended Action(s):
 1. **Approve** the Final Map, Subdivision Agreement and Improvement Plans;
 2. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
4. **ACCEPTANCE OF MAIN AVENUE/UNION PACIFIC RAILROAD (UPRR) CROSSING PROJECT** 39
Recommended Action(s):
 1. **Approve** Change Order for Extra Work in the Amount of \$40,161.11;
 2. **Appropriate** \$21,219 from Unappropriated Water Capital Impact Fund (651);
 3. **Accept** as Complete the Main Avenue/UPRR Crossing Improvement Project (#524000) in the Final Amount of \$329,805.21; and
 4. **Direct** the City Clerk to File the Notice of Completion with the County Recorder's Office.
5. **APPROVAL OF COPY MACHINE LEASE FOR POLICE DEPARTMENT AND AQUATICS CENTER** 43
Recommended Action(s):
 1. **Authorize** a Three Year Lease of Two Savin C3828 Digital Copier Systems through Rabbit Office Automation for the Police Department and the Aquatics Center, Subject to Review and Approval of the City Attorney; and
 2. **Declare** the Police Department's Sharp SF2040 Copier (Serial #7051648) Surplus, and **Authorize** Disposal by the Purchasing Officer.

CONSENT CALENDAR: (Continued)

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
6.	<u>JOIN THE APPEAL CASE OF SILICON VALLEY TAXPAYERS ASSOCIATION, ET AL, V. SANTA CLARA COUNTY OPEN SPACE AUTHORITY</u>	45
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Attorney to join the Cities of Santa Clara, San Jose, Milpitas and Campbell, and the County of Santa Clara, in support of the Santa Clara County Open Space Authority in the Sixth District Court of Appeal case of <i>Silicon Valley Taxpayers Association, et al., v. Santa Clara County Open Space Authority</i> .	
7.	<u>MOBILE HOME RENT COMMISSION</u>	71
	<u>Recommended Action(s):</u>	
	1. <u>Accept</u> Mark Moore's Resignation Effective May 31, 2004; and	
	2. <u>Approve</u> Mayor's Appointment of Incumbent Commission Members Charles Dillmann, Robert Graham, and John Liegl to Serve Two-Year Terms Expiring June 1, 2006.	
8.	<u>ADOPT ORDINANCE NO. 1674, NEW SERIES</u>	81
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1674, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MMP-03-01: NATIVE DANCER – QUAIL MEADOWS (APN 779-02-014) (DA-03-09: NATIVE DANCER – QUAIL MEADOWS).	
9.	<u>APPROVE MINUTES OF SPECIAL CITY COUNCIL MEETING OF APRIL 28, 2004</u>	85
10.	<u>APPROVE MINUTES OF SPECIAL CITY COUNCIL MEETING OF MAY 19, 2004</u>	87
11.	<u>APPROVE MINUTES OF SPECIAL CITY COUNCIL MEETING OF MAY 21, 2004</u>	93
12.	<u>APPROVE MINUTES OF SPECIAL CITY COUNCIL MEETING OF MAY 26, 2004</u>	95

City Council Action

CONSENT CALENDAR: (Continued)

ITEM 13

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	Consent Calendar: 1 - 10 Minutes	
13.	<u>ADOPT ORDINANCE NO. 1675, NEW SERIES</u>	97
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1675, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 04-02 FOR APPLICATION MP 04-01: CENTRAL-SOUTH COUNTY HOUSING. (APNS 726-24-07, 022, 023 & 024).	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 14-16

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
14.		<u>INVESTMENT POLICY UPDATE</u>	101
		<u>Recommended Action(s):</u>	
		1. <u>Review</u> and <u>Adopt</u> the Updated Investment Policy for the City; and	
		2. <u>Review</u> and <u>Adopt</u> the Updated Investment Policy for the Redevelopment Agency.	
15.		<u>APPROVE MINUTES OF SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF MAY 19, 2004</u>	145
16.		<u>APPROVE MINUTES OF REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING OF MAY 26, 2004</u>	163

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
17.	10 Minutes	<u>PROTEST, PRO-04-02: ANNEXATION, ANX-02-02: COCHRANE-BORELLO II</u>	173
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Hold Protest Proceeding</u> and <u>Accept</u> Written Protest from Property Owners,	
		Action- <u>Determine</u> Assessed Value of Protest; and	
		Action- <u>Adopt</u> Resolution.	
18.	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 02-09: DEWITT-MARQUEZ</u>	179
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of the Development Agreement Amendment Ordinance	
		Action- <u>Motion to Introduce</u> the Development Agreement Amendment Ordinance by Title Only. (Roll Call Vote)	
19.	5 Minutes	<u>2004 HAZARDOUS BRUSH PROGRAM COMMENCEMENT REPORT AND PUBLIC HEARING</u>	189
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Accept</u> 2004 Hazardous Brush Program Commencement Report.	

PUBLIC HEARINGS:

	Time Estimate		Page
20.	10 Minutes	<u>HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES – 17590 DEPOT STREET</u>	193
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Grant</u> Exemption to the Requirement to Underground Utilities with Payment in Lieu Fees for the Proposed Development at 17590 Depot Street.	
21.	15 Minutes	<u>APPLICATION ZA-04-08: TEXT AMENDMENT – RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA</u>	199
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of the Ordinance Amending Articles II and III of Chapter 18.78 of the Morgan Hill Municipal Code.	
		Action- <u>Motion to Introduce</u> the Ordinance by Title Only. (Roll Call Vote)	
22.	45 Minutes	<u>CITY MANAGER’S PROPOSED 2004-2005 BUDGET AND CAPITAL IMPROVEMENT PROGRAM</u>	267
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Direct</u> Staff to Incorporate \$100,000 in Structural General Fund Expenditure Reductions to the Proposed 2004-2005 Budget, as Delineated by Staff; and	
		Action- <u>Provide</u> Additional Direction to Staff Concerning the Proposed 2004-2005 Budget, As Appropriate.	
23.	5 Minutes	<u>APPROVAL OF 2003 REPORT REGARDING PUBLIC HEALTH GOALS FOR WATER QUALITY</u>	277
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Information</u> Only.	
24.	10 Minutes	<u>AMENDMENT OF MUNICIPAL CODE REGARDING AMENDMENT OF UNIFORM ADMINISTRATIVE CODE PROVISIONS, INCLUDING FEE REVISION</u>	299
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Amending Chapter 15.04 (Administrative Code) of Title 15 (Buildings and Construction) of the Municipal Code of the City of Morgan Hill and Fees.	
		Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
25.	15 Minutes	<u>HOUSING TYPE, DISTRIBUTION AND TERM FOR 2004-2005 MEASURE “C” COMPETITION (FY 2006-2007 BUILDING ALLOTMENT) AND SEPARATE DOWNTOWN AREA COMPETITION (FY 2007-2008 BUILDING ALLOTMENT)</u>	305
		<u>Recommended Action(s): Adopt</u> Resolution Approving the Total Building Allotment and Distribution and Authorizing Measure C Competitions to be Conducted During Fiscal Year 2005-2005 for the FY 2006-2007 and FY 2007-2008 Building Allotment and Authorizing a Separate Downtown Area Competition Next Year for a Portion of the FY 2007-2008 Building Allotment.	
26.	45 Minutes	<u>REVENUE INCREASE REVIEW</u>	319
		<u>Recommended Action(s): Consider</u> Finance & Audit Committee Report and <u>Provide</u> Direction to Staff.	
27.	10 Minutes	<u>GENERATING LEGISLATIVE SUPPORT FOR COMPROMISE BUDGET LANGUAGE</u>	337
		<u>Recommended Action(s): Council Discretion.</u>	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT